

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

February 13, 2001 LB 87, 299

the advancement of LB 87? Senator Brashear, you're recognized to close. Senator Brashear waives closing. The question is the advancement of LB 87. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 87.

PRESIDENT MAURSTAD: LB 87 is advanced. Mr. Clerk.

CLERK: Mr. President, LB 299, a bill introduced by Senator Chambers. (Read title.) The bill was introduced on January 5, referred to the Judiciary Committee, advanced to General File.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Chambers, you are recognized to open on LB 299.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, this bill does a simple thing, actually two things, one of them I'm going to remove by amendment. Under the law of Nebraska now, if an innocent third party is injured as a result of a police chase, the jurisdiction employing the pursuing officers will be liable. There are instances when officers pursue into Nebraska from other states, usually it's Iowa officers coming from Council Bluffs. What this bill would do is place the same liability on them, when they enter this state, as exists for officers within this state. If they are authorized by the agency they work for in Iowa to pursue into this state, that provides a basis for holding that agency liable and the presence of the officer in Nebraska provides sufficient contact with this state to satisfy the requirement of the state being able to get personal jurisdiction over the officer. That part is no difficulty whatsoever and nobody has a problem with that. The item which did raise an issue, and I wanted to put it in the law to illicit a response from the state and I did get a response, I had put into the law, on page 4, a responsibility for the state of Nebraska to pay any such claim that a person obtain against one of these foreign officers and then seek reimbursement. The state, through whoever made the pink slip out, they call it a fiscal note, did question whether or not this could constitutionally be done; is it putting the state in